

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6758

BILL NUMBER: SB 233

NOTE PREPARED: Jan 16, 2004

BILL AMENDED:

SUBJECT: Restitution as a Condition of Probation.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill allows a court to order restitution payments that are a condition of probation to be paid to a probation department that must forward the restitution payments to a victim, victim's family, or victim's estate.

Effective Date: July 1, 2004.

Explanation of State Expenditures:

Explanation of State Revenues: See *Explanation of Local Revenues*.

Explanation of Local Expenditures:

Explanation of Local Revenues: Under current law, a court can order a person who is on probation to pay restitution to a victim of a crime that was conducted by the person on probation. The money paid by the person can be either paid to the Criminal Justice Institute of Indiana or to the clerk of the circuit court. This bill would allow the person to pay the restitution to the probation department to be forwarded to the victim of the crime, the victim's estate, or the family of a victim who is deceased. Depending on the decision of the court, this bill could transfer the workload for this task from either the Criminal Justice Institute or the clerk of the circuit court to the probation department under that court.

During CY 2002, trial courts in 67 counties and courts in 11 cities reported receiving \$6.59 M in restitution from probationers to be forwarded to aggrieved parties.

Restitution (In Millions) Collected From Offenders on Probation By Calendar Year				
<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
\$5.49	\$5.72	\$6.81	\$7.17	\$6.59

The Indiana Criminal Justice Institute reports the following revenues that have been collected for victim restitution and deposited in the Victims Compensation Fund:

Court-Ordered Restitution Deposited in Violent Crime Victims Compensation Fund By Fiscal Year				
<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
\$45,935	\$32,214	\$26,423	\$32,203	\$22,435

State Agencies Affected: Criminal Justice Institute.

Local Agencies Affected: Courts, Probation Offices, Clerk of the Circuit Courts.

Information Sources: Criminal Justice Institute, *2002 Indiana Probation Report*.

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